

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N.C.

MAR 25 2009

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR15-02-T
Plaintiff,)	(Financial Litigation Unit)
v.)	
)	
KENNY DALE CHANDLER,)	
Defendant,)	
and)	
)	
ASHEVILLE HEALTH CARE CENTER,)	
Garnishee.)	
_____)	

CONSENT ORDER OF CONTINUING GARNISHMENT

The parties, the United States of America, the defendant, and the garnishee, agree and stipulate as follows:

1. The defendant is Kenny Dale Chandler, Social Security Number XXX-XX-4240, whose last known address is: Candler, NC 28715.
2. A criminal judgment was entered against the defendant in this action where he was ordered to pay an assessment and restitution in the amount of \$11,300.00. The parties agree and stipulate that the total balance due is \$9,417.00 as of March 4, 2009.
3. The garnishee has in its possession, custody or control property of the defendant in the form of wages paid to the defendant.
4. The defendant waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives his right to a hearing under said statute and any other process to which the defendant may be entitled under 28 U.S.C. §3205, and further waives his right to a hearing under said statute and any other process to which the defendant may be entitled under 28 U.S.C. §3001. et. seq.

5. The garnishee waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. §3205, and further waives its right to answer and waives being heard in this matter and any other process to which the garnishee may be entitled under 28 U.S.C. §3001. et. seq.

6. The defendant agrees and stipulates that his wages are subject to garnishment under 28 U.S.C. §3205 and expressly agrees and stipulates that the entry of a Consent Order in Garnishment is proper.

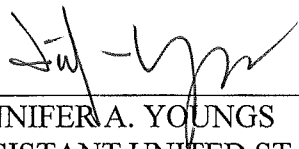
7. The parties agree and stipulate to the entry of a Consent Order of Continuing Garnishment against the non-exempt wages of the defendant. It is expressly agreed and stipulated to by the parties that the garnishee pay the plaintiff 15% per month of the defendant's wages and 100% of all 1099 payments and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this court. *See* 15 U.S.C. 1673.

8. Payments should be made payable to the United States Clerk of Court and mailed to the United States Clerk of Court, 401 West Trade Street, Charlotte, NC 28202.

9. The parties agree and stipulate that the plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the defendant would normally receive may be offset and applied to this debt.

Respectfully submitted,

GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY



JENNIFER A. YOUNGS
ASSISTANT UNITED STATES ATTORNEY
NCSB# 23925
227 West Trade Street, Suite 1650
Charlotte, NC 28202
(704) 344-6222

Agreed and Consented to:



KENNY DALE CHANDLER

Defendant

238 Edgewood Rd., Apt. 4

Candler, NC 28715

(828) 633-1780



ASHEVILLE HEALTH CARE CENTER

Garnishee

1984 US 70

Swannanoa, NC 28778

(828) 298-2214



STEPHEN D. COOK

United States Probation Officer

B-3 US Courthouse Building

100 Otis Street

Asheville, NC 28801

APPROVED AND SO ORDERED this the 24th day of March, 2009.


UNITED STATES DISTRICT JUDGE